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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,361	06/05/2002	Yoram Alroy	ALROY=2	8129
1444	7590	07/27/2004	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			DROESCH, KRISTEN L	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,361

Applicant(s)

YORAM

Examiner

Kristen Droesch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/24/03 (IDS).
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 4-12 is/are rejected.
7) ☒ Claim(s) 2,3 and 13 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/23/02, 2/24/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7, dependent on any one of the preceding claims (including claim 6) fails to further limit claim 6.

2. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9, dependent on any one of the preceding claims (including claim 8) fails to further limit claim 8.

3. Claims 10 and 13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 merely repeats the limitations of claim 1 upon which claim 10 is dependent. Claim 13, which is dependent upon claim 10, repeats the limitation of claim 2, which is also dependent upon claim 1. The examiner suggests deleting “according to claim 1” in claim 10 to overcome the objection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mogi et al. (5,505,202).

Regarding claims 1, and 10, Mogi et al. shows an electrode assembly comprising a thin flexible electrode support supporting a plurality of electrodes (3, 6), at least some of which are constructed on the electrode support in proper spaced relationship for producing electrical contact with respective areas of patient's chest for producing an electrocardiogram when the electrode assembly is placed directly against the patient's chest; characterized in that the flexible support comprises a plurality of foldable sections (1A, 2) (Figs. 1-2, 6-7).

With respect to claim 11, Mogi et al. Shows a vocalizing unit (8, 10).

Regarding claim 12, Mogi et al. Shows digital circuitry (66) (Fig. 19).

6. Claims 1, 4-5, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gadsby et al. (5,341,806).

Regarding claims 1, and 10, Gadsby et al. shows an electrode assembly comprising a thin flexible electrode support supporting a plurality of electrodes (V1-V6)), at least some of which are constructed on the electrode support in proper spaced relationship for producing electrical contact with respective areas of patient's chest for producing an electrocardiogram when the electrode assembly is placed directly against the patient's chest; characterized in that the flexible support comprises a plurality of foldable sections (Figs. 1, 16).

With respect to claim 4, Gadsby further shows there is joined to at least one of the foldable sections a serpentine strip (104 b-e) supporting thereon one of said electrodes.

Regarding claim 5, Gadsby shows the electrodes are formed by a screen printing technique (Col. 5, lines 17-21).

7. Claims 1, and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by McFee (6,115,623).

Regarding claims 1, and 10, McFee shows an electrode assembly comprising a thin flexible electrode support supporting a plurality of electrodes (V1-V6), at least some of which are constructed on the electrode support in proper spaced relationship for producing electrical contact with respective areas of patient's chest for producing an electrocardiogram when the electrode assembly is placed directly against the patient's chest; characterized in that the flexible support comprises a plurality of foldable sections (Col. 6, lines 12-14, Col. 11, lines 64-67, Col. 12, lines 10-13; Figs. 1, 5).

With respect to claims 6 and 7, McFee shows a plurality of electrode arrays dimensioned for different sized patients (Figs. 1, 5).

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Regarding claims 8-9, McFee shows the electrode assembly further includes a connector (566, 568) removably connecting to electrode assembly an electronic circuit (Fig. 5).

Allowable Subject Matter

8. Claims 2-3, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 13 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claims 2 and 13, the prior art of record fails to teach or suggest an electrode assembly comprising a thin flexible electrode support supporting a plurality of electrodes (V1-V6), at least some of which are constructed on the electrode support in proper spaced relationship for producing electrical contact with respective areas of patient's chest for producing an electrocardiogram when the electrode assembly is placed directly against the patient's chest; characterized in that the flexible support comprises a plurality of foldable sections, all in combination with the electrode assembly being embedded within a wallet.

With respect to claim 3, the prior art of record fails to teach or suggest an electrode assembly comprising a thin flexible electrode support supporting a plurality of electrodes (V1-V6), at least some of which are constructed on the electrode support in proper spaced relationship for producing electrical contact with respective areas of patient's chest for producing an electrocardiogram when the electrode assembly is placed

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directly against the patient's chest; characterized in that the flexible support comprises a plurality of foldable sections, all in combination with one of the foldable sections is provided with flap for tucking into slot in another one said sections, whereby the electrode assembly can be folded into a self-contained compact unit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen Droesch whose telephone number is 703-605-1185. The examiner can normally be reached on 10:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 703-308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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